

Prior to dismissal of an appeal, however, a court “must take one of the following steps:

(1) make a finding of bad faith or negligence; (2) give the appellant notice and an opportunity to explain the delay; (3) consider whether the delay had any possible prejudicial effect on the other parties; or (4) indicate that it considered the impact of the sanction and available alternatives.”

In re Serra Builders, Inc., 970 F.2d 1309, 1311 (4th Cir. 1992).

This Court issued a Show Cause Order to Appellant on September 21, 2017, giving her notice and an opportunity to explain the delay. Appellant has not responded showing cause for the delay or providing the required designation and statement.

IT IS THEREFORE ORDERED that Appellant's appeal is hereby **DISMISSED WITH PREJUDICE** for failure to file and serve the designation and statement as required by Fed. R. Bankr. P. 8009(b).

Signed: October 11, 2017

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

